



Attorney Docket: 119.002

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Irving M Fishman
Type or Print Name

Irving M. Fishman
Signature

11/20/2003
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Awad

Group Art Unit:

Examiner:

SERIAL NO: 10/646,122

FILED: August 22, 2003

FOR: CROSS-LINKED SILICONE GELS;
PRODUCTS CONTAINING THE SAME; AND
METHODS OF MANUFACTURE THEREOF

Box Non-Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Further to the above identified Application and in compliance with Rule 56 (37C.F.R. §1.56), Applicant hereby wishes to call the Examiner's attention to the references listed on the enclosed form PTO-A820. A copy of each reference ([X]other than US patents and US published applications) is also enclosed.

[] The Commissioner is authorized to charge Applicant's Deposit Account _____ for the fee required under 37 C.F.R. § 1.17(p). Two additional copies of this paper are enclosed.

- ☒ No fee is due as this paper is filed prior to
- ☒ the issuance of the first action in this application.
 - ☒ the expiration of three months from
 - ☒ the present application filing date.
 - ☐ Applicant becoming aware of the cited reference. A certification under 37 CFR 1.97(e) is enclosed.
 - ☐ the mailing date of the Search Report from, or citation by, another Patent Office. A copy of the Search Report/citation ☐ is/☐ not enclosed.
 - ☐ the filing of the cited copending application.
 - ☐ In the event that a fee is due with this paper in order to have it properly considered and acted upon, the Commissioner is authorized to charge Applicant's Deposit Account _____ for the fee set forth in 37C.F.R. §1. 17(p).

The Examiner is respectfully requested to consider the following information in relation to this application and to indicate that each of the references was considered by returning a copy of the initialed PTO-A820 form(s).

References A-M and Q are discussed on pages 2-4 of the application and the relevance to the application will be apparent therefrom. Without being bound to the following, Applicant believes that references A, B, C, H, J, and Q are the most pertinent references, although the Examiner may differ.

In addition to the references mentioned on the attached Forms A-820 (references A through-AY), Applicant would like the examiner to be aware of the following facts:

While the present application has a filing date of August 22, 2003, it claims the benefit of US Provisional Application 60/432,947, filed Dec. 11, 2002. However, prior to August 22, 2002, at least one quotation for certain formulations related to the present invention were given and at least one sample/order shipped from Applicant to others as set forth below:

			Form #												
Component	Form A	Form B	Form C	Form D	Form E	Form F	Form G	Form H	Form I	Form J	Form K	Form L	Form M	Form N	Form O
Divinyl PDMS ¹	+	+	+	+	+		+	+	+	+	+	+	+	+	+
PDPDMS ⁵					+	+	+								
MHPS ²	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Pt catalyst	+	+	+	+	+	+	+	+	+	+	+	+	+	+	+
Tetrameric cyclomethicone		+			+					+					
Pentameric cyclomethicone			+			+					+	+	+		+
Linear PDMS ³				+			+	+	+						
Linear PDMS ⁴										+	+				
Isododecane															
Diluted with	+					+	+	+	+			+	+	+	+
Linear DMS ³							+	+	+						
Pentameric cyclomethicone						+						+	+		+
Isododecane	+							+	+						
Hydrogenated Polyiso-butene														+	+
Total Polymer ⁶	5.2	6	6	6	12.6	12.6	12.6	5.7	5.9	4.5	4.5	4.1	2.3	4.2	3.9

¹Divinyl terminated polydimethylsiloxane

²Methyl hydrogen polysiloxane

³Linear polydimethyl siloxane 5centistokes

⁴Linear polydimethyl siloxane 1000 centistokes

⁵Diviyl terminated polydiphenyldimethylsiloxane

Formulation A was first quoted for sale on 6/4/02, more than a year before the present application date, but less than 1 year before Applicant's provisional application.

Formulation B was quoted for sale based on a product that did not control the shear during manufacture more than a year before the filing date of Applicant's provisional application.

Formulation C was first quoted for sale based on a product that was made without controlling shear during manufacture more than a year before the filing date of Applicant's Provisional Application. Beginning in May 2002, Formulation C was quoted for sale for a product that did control the shear in accordance with the present application and applicant's Provisional Application.

Formulation D was quoted for sale only based on a product that did not control the shear during manufacture more than a year before the filing date of both the present application and Applicant's Provisional Application.

Formulation E, F, and G were quoted for sale only based on a product that did not control the shear during the manufacture more than a year before the filing date of both the present application and Applicant's Provisional Application.

Formulations H and I are merely formulation D further diluted. These formulations were quoted for sale only based on a product that did not control the shear during manufacture more than a year before the filing date of both the present application and Applicant's Provisional Application.

Formulations J and K do not appear to have been sold or offered for sale, but were merely experimental in nature. However, in order to be as forthcoming with the Examiner as possible, Applicant discloses the possibility that further investigation of Applicant's files concerning these formulations may reveal an offer for sale date. These formulations were made without control of the shear during manufacture.

Formulation L was first quoted for sale on 8/16/02 (based on a product that was made without control of shear during manufacture) more than a year before the present application filing date, but less than a year before applicant's Provisional Application.

Formulation M is a modified version of formulation L where shear was controlled in formulation M during manufacture. It was first quoted for sale before the present application filing date and provisional filing date, but less than 1 year before Applicant's provisional filing date.

Formulation N was first quoted for sale on 5/8/02, more than a year before the present application filing date, but less than 1 year before the filing date of applicant's Provisional Application.

Formulation O is a modification of formulation N (in which shear was controlled in Formulation O and in which additional pentameric cyclomethicone was added as a diluent as compared to Formulation N). Formulation O was first offered for sale before the filing date of the

In Re Awad
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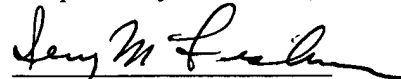
present application, but less than 1 year before the filing date of Applicant's Provisional Application.

89 Headquarters Plaza
Suite 1422, North Tower
Morristown, NJ 07960

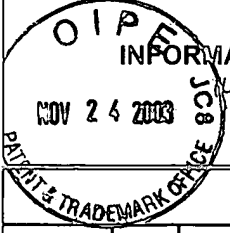
Tel: (973) 285-1548
Fax: (973) 993-1857


Date: *Nov. 20, 2003*

Respectfully submitted,



Irving M. Fishman
Reg. No. 30,258
Attorney for Applicant

 <p>INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)</p>				ATTY DOCKET NO. 119.002		SERIAL NO. 10/646,122	
				APPLICANT(S) Nagi Awad			
				FILING DATE Aug. 22, 2003		GROUP	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A	4,970,252	11/13/1990	Sakuta et al.			
	B	4,987,169	01/22/1991	Kuwata et al.			
	C	5,266,321	11/30/1993	Shukuzaki et al.			
	D	5,760,116	06/02/1998	Kilgour et al.			
	E	5,880,210	03/09/1999	Schulz, Jr. et al.			
	F	5,919,468	07/06/1999	Bara			
	G	6,027,738	02/22/2000	Stepniewski et al.			
	H	6,083,900	07/04/2000	Auguste et al.			
	I	6,143,308	11/07/2000	Vanstraceele et al.			
	J	6,331,604	12/18/2001	Wang et al.			03/31/1999
	K	6,387,405	05/14/2002	Shah et al			02/27/1998
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	L	0 295 886	12/21/1988	Europe			
	M	0 545 002	08/26/1992	Europe			
	N	98/18438	05/07/1998	World			
	O	98/00105	01/08/1998	World			
	P	98/00104	01/08/1998	World			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>							

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	FILING DATE <div style="text-align: center;">Aug. 22, 2003</div>	GROUP

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
Q	6,423,322	07/23/2002	Fry			05/22/1999
R	6,235,292	05/22/2001	Bara et al.			
S	3,159,601	12/01/1964	Ashby			
T	3,159,662	12/01/1964	Ashby			
U	3,220,972	11/30/1965	Lamoreaux			
V	3,715,334	02/06/1973	Karstedt			
W	3,775,452	11/27/1973	Karstedt			
X	3,814,730	06/04/1974	Karstedt			
Y	4,594,134	06/10/1986	Hanada et al.			
Z	4,806,430	02/21/1989	Spielvogel et al.			
AA	4,980,167	12/25/1990	Harashima et al.			


FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
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AB	5,136,068	08/04/1992	Bahe et al.			
AC	5,236,986	08/17/1993	Sakuta			
AD	5,412,004	05/02/1995	Tachibana et al.			
AE	5,599,533	04/02/1997	Stepniewski et al.			
AF	5,654,362	08/05/1997	Schultz, Jr. et al.			
AG	5,811,487	09/22/1998	Schultz, Jr. et al.			
AH	5,849,314	12/15/1998	Dobkowski et al.			
AI	5,854,336	12/29/1998	Divone et al.			
AJ	5,859,069	01/12/1999	Yanagida			
AK	4,374,236	02/15/1983	Znaiden			
AL	5,061,481	10/29/1981	Suzuki et al.			


FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO
AM	98/00103	01/08/1998	World			
AN	98/00102	01/08/1998	World			
AO	97/44010	11/27/1997	world			
AP	0 827 983	03/11/1998	Europe			
AQ	0 790 055	08/20/1997	Europe			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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U.S. PATENT DOCUMENTS

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AR	5,219,560	06/15/1993	Suzuki et al.			
AS	5,738,841	04/14/1998	Mellul et al.			
AT	5,747,016	05/05/1998	Yui et al.			
AU	5,763,497	06/09/1998	Ikedo et al.			
AV	5,783,601	07/21/1998	Tanahashi et al.			
AW	5,827,509	10/27/1998	Richard et al.			
AX	4,742,142	05/03/1988	Shimizu et al			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AY	0 184 598	06/18/1986	Europe				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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